IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Bail Appl..No. 1814 of 2007

CMP.911/2007 of J.M.F.C., PATTAMBI
CRIME NO.74/2007 OF PATTAMBI POLICE STATION

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APPLICANTS/ACCUSED NO.2,3

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1. ASHARUF @ MUHAMMED ASHARUF,
   S/O.ANTHEENKUTTY,PUTHANPEEDIYEKKAL VEEDU,
   CHEMMANKUZHI,VALLAPUZHA.

2. ABDUL ASIS,S/O.ABOOBACKER,ANGADIYIL
   VEEDU,EZHUVANTHALA P.O, CHEMMANKUZHI,VALLAPUZHA.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM,
REPRESENTING THE C.I OF PATTAMBI POLICE STATION.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1814 OF 2007 B

Dated this the 26th day of March, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.2 and 3 in Crime No.74/07 of Pattambi Police Station for offences punishable under Sec.302 read with section 34 I.P.C. and section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, seek their enlargement on bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the petitioners along with the first accused committed murder of one Gopalan at about 8.30 p.m. on 24.1.2007 after beating him with the handles of spade. The deceased Gopalan was a member of the scheduled caste. The petitioners were arrested on 10.3.2007.

4. Having regard to the fact that the first accused in the case has been granted bail after 30 days of custody and having regard to the further fact that the interrogation of the petitioners is already over and the further fact regarding the duration of judicial custody of the petitioners, I am inclined to grant bail to the petitioners but only with effect from a future date. Accordingly, the petitioners are directed to be released on bail with effect from 11.4.2007 on each of them executing a

bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Pattambi and subject to the following conditions:

a. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

c. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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